

Remarks

Claims 1, 3 through 10, and 13 through 20 are pending in the application. Claim 2 has been canceled; claims 11 and 12 were canceled previously.

The Office Action objects to the specification as well as to claims 1 through 10 and 13 through 20 based on 35 U.S.C. §112, first paragraph, indicating that the specification does not provide adequate written description of the invention recited in the claims. Applicants respectfully submit that all claims are in compliance with 35 U.S.C. §112, first paragraph. No new matter has been added; each of claims 1, 3 through 10, and 13 through 20 are now fully supported by the originally filed specification and drawings.

The Office Action asserts that under 35 U.S.C. §102(b), claims 13 through 17 and 19 through 20 are unpatentable over U.S. Patent No. 6,193,404 to Calange.

Independent claim 13 recites a blender having a body housing a drive motor, a drive shaft operatively connected to the drive motor, and a tool operatively connected to the drive shaft. The body has a first handle to facilitate pivoting the blender with respect to a working surface, a second handle to facilitate moving the blender laterally with respect to said working surface, and a third handle to facilitate stabilizing the blender during operative use. The third handle is located in a position on the body that is remote from the first handle and the second handle.

Calange discloses a blender including a case having a handle and including an electric motor rotating a first end of a shaft included in a fixed tube, with a tool secured to the shaft. The handle is attached to the top of the case at an angle with respect to the case.

Calange fails to anticipate claim 13. A claim is anticipated only if each and every element as set forth in the claim is found in a single reference. Calange fails to disclose

or suggest a third handle located in a position on the case that is remote from a first and second handle. Calange discloses a single handle attached to the top portion of the blender case. The Office Action opines that “any part of a blending device that can be grasped by a user (such as elements denoted as handles, any projections from the motor housing, or an outer surface of the motor housing itself, etc.) can be considered a ‘handle’ within the broad scope of the pending claims.” Patent claims must be given their broadest reasonable interpretation, consistent with the specification, during patent examination. Applicant respectfully submit that the Office’s proposed definition is neither reasonable in light of the plain meaning of the word “handle,” nor is it consistent with the specification. The broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. MPEP 2111. Those skilled in the art would not reach the conclusion that the definition of a handle encompasses any part of a device that can be grasped by a user. Therefore, even under the broadest reasonable interpretation of the term “handle,” the Office’s assertion that the case itself constitutes a handle is untenable. Clearly, Calange does not disclose an additional handle, let alone an additional handle located in a position on the case that is remote from a first and second handle. Claim 13 is therefore patentable over Calange.

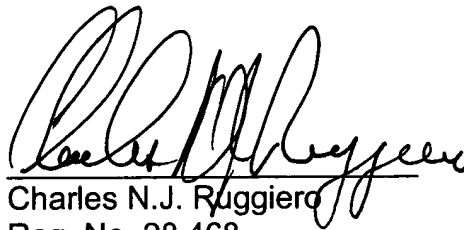
Claims 14 through 20 depend from independent claim 13 and are patentable over Calange for at least the reasons given above regarding claim 13.

Applicants respectfully submit that independent claims 1 and 8 are also patentable over Calange. Claims 1 and 8 each recite a blender having a body housing a drive motor, a drive shaft operatively connected to the drive motor, a handle attached to an upper half of the body, and a handle extending outward from a lower half of the body in a direction substantially perpendicular to an axis defined by the drive shaft. As indicated above, Calange discloses only a single handle assembly attached to the top of a blender case. Calange fails to disclose or suggest a handle extending outward from a lower half of the blender case, let alone such a handle that extends outward in a direction substantially perpendicular to an axis defined by a drive shaft. Claims 1 and 8

are therefore patentable over Calange. Claims 3 through 7 are patentable over Calange at least based on their dependency from independent claim 1; claims 9 and 10 are patentable over Calange at least based on their dependency from independent claim 8.

In view of the above, Applicants respectfully submit that all claims presented in this application are patentably distinguishable over the cited reference and that all claims comply with the statutory requirements. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

Date: November 7, 2006

Charles N.J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401